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MEMO ENDORSED

January 16, 2014

VIA FACSIMILE – 914-390-4179

Judge Nelson S. Román
United States District Court
Southern District of New York
300 Quarropas St.
White Plains, NY 10601-4150

Re: CDx Diagnostics et al. v. U.S. Endoscopy Group, Inc. (Case No. 13-5669 (NSR))

Civil
Dear Judge Román:

We are counsel for Plaintiff in the above-referenced matter. This request is being submitted in accordance with Section (1)(E) of this Court's Individual Practices for Civil Cases. Plaintiff respectfully requests a twenty-day (20) extension to file an answer to Defendant's counterclaims filed on January 6, 2014 (Dkt. 10), thus extending the due date from January 27, 2014 to February 17, 2014.

Plaintiff seeks this extension because (1) Defendant submitted a settlement proposal to Plaintiffs on January 14, 2014, and (2) Plaintiff's lead counsel, Peter Berger of Levisohn Berger LLP, has a pre-scheduled vacation planned from January 17 to 27, 2014, thus will be unable to fully consider Defendant's settlement proposal until after his return.

Counsel for Defendant has consented to this extension request. Plaintiff has not previously requested an extension for the deadline by which to file an answer to the counterclaims filed by Defendant.

Thank you for your consideration.

Respectfully submitted,
LEVIsoHN BERGER LLP

Jonathan Berger

The application is

granted.
 denied.

Cc: Todd Tucker, Esq., Alvin Lin, Esq., Matthew Hyner, Esq.

Nelson S. Román, U.S.D.J.

Dated: Jan. 16, 2014

White Plains, New York 10601

Plaintiffs' time to answer Defendant's counterclaims is extended to Feb. 17, 2014.

USDC SDNY
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ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/16/2014